

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**MICHAEL AND SHELLIE GILMOR,
et al.,**

Plaintiffs,

vs.

**PREFERRED CREDIT CORPORATION,
et al.,**

Defendants.

Case No. 4:10-cv-00189-ODS

**COUNTRYWIDE HOME LOANS, INC.'S RESPONSE TO
PLAINTIFFS' MOTION TO AMEND SCHEDULING ORDER**

Countrywide Home Loans, Inc. ("Countrywide") hereby responds to plaintiffs' motion to amend the scheduling order.

The Court's November 5, 2010 schedule set the date for amendment of pleadings as January 15, 2011. Even so, plaintiffs did not serve written discovery (interrogatories or requests for production) on Countrywide in this case until December 3, 2010, making those responses due in the normal course on January 6, 2011, nine days before the pleading amendment deadline. However, given the timing of plaintiffs' requests and the unavailability of client personnel during the holidays, Countrywide requested a few days' extension to January 10, 2011. Plaintiffs objected, ostensibly based on the January 15, 2011 amendment deadline (in reality January 18 due to the weekend and holiday), but they did not assert a need for an additional two months to amend their pleadings thereby at least implicitly conceding the January 15 (or 18) date could be met. Nevertheless, in order to reconcile the relief to Countrywide and recognizing plaintiffs' position, the Court provided an extension of both the date for Countrywide's responses and of

the amendment date by the same amount of time. (Doc. No. 163.) Countrywide then timely provided sworn interrogatory answers, and also identified and produced documents responsive to their requests. (A supplemental production of loan files and payment histories was made on January 19).

While plaintiffs now believe they need additional time to amend their pleadings, and Countrywide would not oppose a brief enlargement, they have not shown good cause why it is that two months beyond the deadline set forth in the Court's scheduling order (as extended to January 24, 2011 by the Court's January 6, 2011 Order (Doc. No. 163)) is appropriate.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) this 24th day of January, 2011, to:

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